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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,853	03/13/2001	Erwin Aguayo JR.	00119-103-USP	2554
6449	7590	10/19/2005	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C.			SHELEHEDA, JAMES R	
1425 K STREET, N.W.			ART UNIT	
SUITE 800			PAPER NUMBER	
WASHINGTON, DC 20005			2617	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,853

Applicant(s)

AGUAYO ET AL.

Examiner

James Sheleheda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3 and 10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 3 and 10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 10 is objected to because of the following informalities:

In claim 10, line 6, "into plurality video segments" should be changed to --into a plurality of video segments--.

In claim 10, line 11, "with said high-speed" should be changed to --with high-speed-- as there is no previous recitation of a "high-speed and low-speed technique" in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The current invention describes a system for distributing video wherein transmission may take place on through a single channel high speed technique (see

specification at page 19, 14-22 and Fig. 6b) *or* through a multi-channel low-speed technique (see specification at page 19, 14-22 and Fig. 6b).

More specifically, the specification as originally filed fails to adequately support or describe a system for transmitting video wherein at least one user requested video segment is processed with a high-speed technique *and* a low-speed technique, as claimed.

To advance prosecution, the limitation is being interpreted as "with a high-speed or low-speed technique".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3 and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nelson et al. (Nelson) (5,719,786).

As to claim 1, Nelson discloses a system for management, transmission and control of video data (column 5, lines 45-65) comprising:

at least one server device (remote manager; column 6, line 57-column 7, line 27) for storing video data (column 18, line 45-column 19, line 11 and column 20, lines 19-30) as video segments (column 6, lines 27-56) and for providing asynchronous microcasting of said stored video segments (column 7, lines 38-42 and column 21, lines

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39-54) in response to user requests (column 18, lines 58-67 and column 20, lines 19-30);

at least one client device (local client; column 7, lines 38-42 and column 18, lines 35-44) for receiving video segments (column 20, lines 31-44) and storing said received video segments for processing (Fig. 8; column 21, lines 54-column 22, line 9 and column 11, lines 35-46) and isochronously displaying said video segments to a user on a display device (Fig. 8, column 21, lines 54-column 22, line 9 and column 11, lines 21-46);

a communications network (80, Fig. 3) for transporting said microcasting video data (column 6, line 65-column 7, line 9), wherein said at least one server device and said at least one client device are coupled to said communications network (Fig. 3; column 6, line 65-column 7, line 9);

wherein each video segment includes a set of assigned microcasting attributes and video content (column 2, lines 26-33, column 6, lines 44-56 and column 11, lines 7-14), said assigned microcasting attributes representing control codes, relevant user data and instructions enabling transport, processing and display of a video segment (column 2, lines 26-33, column 6, lines 44-56, column 11, lines 7-20 and column 13, lines 19-43) based solely on said set of microcasting attributes without reference to any other video segment (column 11, lines 30-34 and column 21, lines 39-53).

As to claim 3, Nelson discloses wherein said control codes, relevant user data and instructions of said attributes includes one or more of the following codes or instructions:

coordination of viewing sequence, transmission sequence instructions (timing instructions for transmission and then reproduction of the segments; column 6, lines 44-56 and column 11, lines 7-20), formatting codes (wherein the segments are in a particular format; column 11, lines 30-34), transmission codes (column 6, lines 44-56 and column 11, lines 7-20), communication codes (column 6, lines 44-56 and column 11, lines 7-20) and viewing sequences codes (timing instructions for transmission and then reproduction of the segments; column 6, lines 44-56 and column 13, lines 19-43).

As to claim 10, Nelson discloses a system for management, transmission and control of video data (column 5, lines 45-65) in a system including a plurality of server devices (remote managers; column 6, line 57-column 7, line 27), a plurality of client devices (local clients; column 7, lines 38-42 and column 18, lines 35-44) and a communications network for transporting video data (80, Fig. 3), each of said server devices and each of said client devices being coupled to said communications network (Fig. 3; column 6, line 65-column 7, line 9), said method comprising the steps of:

segmenting video program data into a plurality of video segments (column 6, lines 44-56), each video segment being assigned a set of microcasting attributes (column 2, lines 26-33, column 6, lines 44-56 and column 11, lines 7-14) representing control codes and instructions for enabling transport, processing and display of said

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plurality of video segments to a plurality of users (column 2, lines 26-33, column 6, lines 44-56, column 11, lines 7-20 and column 13, lines 19-43);

storing said plurality of video segments in said plurality of server devices (column 7, lines 4-9);

processing at least one user requested video segment with high-speed (raising the stream rate as the network load decreases; column 25, line 34-column 26, line 20) or low-speed techniques (lowering the stream rate as the network load increases; column 25, line 34-column 26, line 20) and dynamic resolution switching techniques (wherein the presentation rate is dynamically adjusted based upon network load; column 25, line 34-column 26, line 20);

asynchronously transmitting at least one stored video segment from one of the server devices through the communications network to one of the client devices (column 7, lines 38-42 and column 21, lines 39-54) in response to a request by the user of one client device (column 18, lines 58-67 and column 20, lines 19-30);

receiving said at least one video segment in the client device (column 20, lines 31-44);

storing the received video segment in the client device (Fig. 8; column 21, lines 54-column 22, line 9 and column 11, lines 35-46); and

isochronously displaying the received video segment on a display device coupled to the client device (Fig. 8, column 21, lines 54-column 22, line 9 and column 11, lines 21-46),

wherein the transmission, processing and display of the video segment is based solely on the set of microcasting attributes without reference to any other video segment (column 11, lines 30-34 and column 21, lines 39-53).

Response to Arguments

6. Applicant's arguments with respect to claims 1, 3 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually

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depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

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Signature: _____

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
Patent Examiner
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JS

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a long horizontal line extending to the right.

VIVEK SRIVASTAVA
PRIMARY EXAMINER